

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

FTF LENDING, LLC, a Delaware limited
liability company

Plaintiff,

v.

Case No.: 2:19-cv-13-FtM-38NPM

SOUTHWEST DEVELOPMENTS,
INC. and JASON MELOCHE,

Defendants.

ORDER

Before the Court is Plaintiff's Unopposed Motion for Order Appointing a Master and Conducting Foreclosure Sale of Real Property (Doc. 74). Plaintiff FTF Lending, LLC requests the Court appoint a special master to conduct a foreclosure sale of a property located in Bonita Springs. (*Id.*, p. 1). The Court directed Plaintiff to propose a special master to conduct the foreclosure sale and provide an affidavit from this individual showing no basis for disqualification. (*Id.*, p. 2). Plaintiff has complied. (See Docs. 76, 77).

As explained in the May 20 Order (Doc. 75), FTF Lending obtained summary judgment in its favor on April 1, 2020. (Doc. 70). As part of the summary judgment, the Court entered a judgment of mortgage foreclosure on Count III of the Complaint as to the property in Bonita Springs, Florida. (Doc. 70, p. 6). FTF Lending now seeks to enforce that portion of the judgment.

Pursuant to Federal Rule of Civil Procedure 53(a)(1)(C), a court may appoint a master to "address pretrial and posttrial matters that cannot be effectively and timely addressed by an available district judge or magistrate judge of the district." "Absent a

basis for disqualification, federal courts routinely appoint special masters to conduct foreclosure sales.” *Stearns Bank Nat’l Ass’n v. Come Again, Inc.*, No. 8:15-CV-322-T-30JSS, 2016 WL 695990, at *2 (M.D. Fla. Feb. 22, 2016) (citations omitted). Here, the district judge and magistrate judge cannot timely address the foreclosure sale and, therefore, an appointment of a special master is warranted.

FTF Lending has proposed attorney Matthew P. Flores to be appointed special master in this case. Mr. Flores provided an Affidavit (Doc. 77), and the Court is satisfied that no basis exists for disqualification of Mr. Flores.

Accordingly, it is hereby **ORDERED**:

- (1) The Unopposed Motion for Order Appointing a Master and Conducting Foreclosure Sale of Real Property (Doc. 74) is **GRANTED**.
- (2) The Court appoints attorney Matthew P. Flores as special master to conduct the foreclosure sale.
- (3) The Clerk of Court is directed to add Matthew P. Flores to the docket as special master.

DONE and **ORDERED** in Fort Myers, Florida on May 29, 2020.



NICHOLAS P. MIZELL
UNITED STATES MAGISTRATE JUDGE